

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2705

Introduced by Assembly Member Hall

February 19, 2010

An act to amend Sections 8482.3, 8483.3, 51210, and 51222 of the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2705, as amended, Hall. Education: physical education.

(1) Existing law authorizes specified school districts to enter into joint use agreements with other public entities for operation of joint use facilities.

This bill would state the intent of the Legislature to increase the flexibility of joint use policies and practices that will allow schools and communities to optimize resources, share costs, and identify creative solutions to increase access to safe places to play and exercise.

(2) Existing law establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. Each component of a program shall consist of 2 specified elements.

This bill would require ~~that each component of the program contain a 3rd element of physical fitness, which will include at least 30 minutes of moderate to vigorous physical activity, as specified, commencing on January 1, 2013, by the start of the 2013–14 school year; an additional physical fitness element that includes at least 30 minutes per day of moderate to vigorous physical activity as specified.~~

Because this bill would require participating schools to conduct a new program, it would constitute a state mandated local program.

(3) Existing law provides that the department shall select applicants to participate in the program from among applicants who apply on forms and in a manner prescribed by the department. The application submitted shall certify that specified content, including opportunities for physical activity, is a part of the program.

This bill would require that ~~the physical activity opportunity include at least 30 minutes of moderate to vigorous physical activity, as specified, commencing on January 1, 2013~~ *opportunities for physical fitness to include at least 30 minutes per day of moderate to vigorous physical activity, as defined in the Physical Education Model Content Standards and Physical Education Framework as specified, commencing by the start of the 2013–14 school year.*

(4) Existing law requires that the adopted course of study for grades 1 to 6, inclusive, include instruction, in specified areas of study, including physical education.

This bill would require that, ~~by January 1, 2013~~ *the start of the 2013–14 school year*, at least 50% of the time spent in physical education be spent in moderate to vigorous physical activity within the context of the physical education content standards and framework as adopted by the State Board of Education.

Existing law requires that all pupils, except pupils excused or exempted as specified, attend courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays.

This bill would require that, ~~by January 1, 2013~~ *the start of the 2013–14 school year*, at least 50% of the time spent in physical education be spent in moderate to vigorous physical activity within the context of the physical education content standards and framework as adopted by the State Board of Education.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to increase the
2 flexibility of joint use policies and practices that will allow schools
3 and communities to optimize resources, share costs, and identify
4 creative solutions to increase access to safe places to play and
5 exercise.

6 SEC. 2. Section 8482.3 of the Education Code is amended to
7 read:

8 8482.3. (a) The After School Education and Safety Program
9 shall be established to serve pupils in kindergarten and grades 1
10 to 9, inclusive, at participating public elementary, middle, junior
11 high, and charter schools.

12 (b) A program may operate a before school component of a
13 program, an after school component, or both the before and after
14 school components of a program, on one or multiple schoolsites.
15 If a program operates at multiple schoolsites, only one application
16 shall be required for its establishment.

17 (c) Each component of a program established pursuant to this
18 article shall consist of the following three elements:

19 (1) An educational and literacy element in which tutoring or
20 homework assistance is provided in one or more of the following
21 areas: language arts, mathematics, history and social science,
22 computer training, or science.

23 (2) An educational enrichment element, that may include, but
24 need not be limited to, fine arts, career technical education,
25 recreation, physical fitness, and prevention activities.

26 ~~(3) Physical fitness that will include at least 30 minutes of~~
27 ~~moderate to vigorous physical activity utilizing the California After~~
28 ~~School Physical Activity Guidelines commencing on January 1,~~
29 ~~2013.~~

30 (3) (A) *By the start of the 2013–14 school year, a physical*
31 *fitness element that will include at least 30 minutes per day of*
32 *moderate to vigorous physical activity as defined in the Physical*
33 *Education Model Content Standards and Physical Education*
34 *Framework as adopted by the State Board of Education. A program*
35 *may utilize the California After School Physical Activity Guidelines*
36 *developed pursuant to Section 8484.8 to design the physical fitness*
37 *element pursuant to this section.*

1 (B) *A program shall not be required to report to the department*
2 *each pupil's participation in physical fitness.*

3 (4) Notwithstanding any other provision of this article, the
4 majority of the time spent by a pupil who is in kindergarten or any
5 of grades 1 to 9, inclusive, and who is participating in a career
6 technical education element of a program established pursuant to
7 this article shall be at a site that complies with Section 8484.6.

8 (d) Applicants shall agree that snacks made available through
9 a program shall conform to the nutrition standards in Article 2.5
10 (commencing with Section 49430) of Chapter 9 of Part 27.

11 (e) Applicants for programs established pursuant to this article
12 may include any of the following:

13 (1) A local educational agency, including, but not limited to, a
14 charter school, the California School for the Deaf (northern
15 California), the California School for the Deaf (southern
16 California), and the California School for the Blind.

17 (2) A city, county, or nonprofit organization in partnership with,
18 and with the approval of, a local educational agency or agencies.

19 (f) Applicants for grants pursuant to this article shall ensure that
20 each of the following requirements is fulfilled, if applicable:

21 (1) The application documents the commitments of each partner
22 to operate a program on that site or sites.

23 (2) The application has been approved by the school district, or
24 the charter school governing board, and the principal of each
25 participating school for each schoolsite or other site.

26 (3) Each partner in the application agrees to share responsibility
27 for the quality of the program.

28 (4) The application designates the public agency or local
29 educational agency partner to act as the fiscal agent. For purposes
30 of this section, "public agency" means only a county board of
31 supervisors or if the city is incorporated or has a charter, a city
32 council.

33 (5) Applicants agree to follow all fiscal reporting and auditing
34 standards required by the department.

35 (6) Applicants agree to incorporate into the program both of the
36 elements required pursuant to subdivision (c).

37 (7) Applicants agree to provide information to the department
38 for the purpose of program evaluation pursuant to Section 8483.55.

39 (8) Applicants shall certify that program evaluations will be
40 based upon Section 8484 and upon any requirements recommended

1 by the Advisory Committee on Before and After School Programs
2 and adopted by the state board, in compliance with subdivision
3 (g) of Section 8482.4.

4 (9) The application states the targeted number of pupils to be
5 served by the program.

6 (10) Applicants agree to provide the following information on
7 participating pupils to the department:

8 (A) Schoolday attendance rates.

9 (B) Pupil test scores from the Standardized Testing and
10 Reporting Program established under Section 60640, reflecting
11 achievement in the areas addressed by required program elements,
12 if assessments have been established in that area.

13 (C) Program attendance.

14 (g) (1) Grantees shall review their after school program plans
15 every three years including, but not limited to, all of the following:

16 (A) Program goals. A grantee may specify any new program
17 goals that will apply to the following three years during the grant
18 renewal process.

19 (B) Program content, including the elements identified in
20 subdivision (c).

21 (C) Outcome measures selected from those identified in
22 subdivision (a) of Section 8484 that the grantee will use for the
23 next three years.

24 (D) Any other information requested by the department.

25 (E) If the program goals or outcome measures change as a result
26 of this review, the grantee shall notify the department in a manner
27 prescribed by the department.

28 (F) The grantee shall maintain documentation of the after school
29 program plan for a minimum of five years.

30 (2) The department shall monitor this review as part of its onsite
31 monitoring process.

32 SEC. 3. Section 8483.3 of the Education Code, as amended by
33 Section 18 of Chapter 380 of the Statutes of 2006, is amended to
34 read:

35 8483.3. (a) The department shall select applicants to participate
36 in the program established pursuant to this article from among
37 applicants that apply on forms and in a manner prescribed by the
38 department. It is the intent of the Legislature that the manner
39 prescribed by the department, to the extent possible, allow for short
40 and concise applicant responses. To the extent possible, the

1 selection of applicants by the department shall result in an equitable
2 distribution of grant awards pursuant to Section 8483.7 to
3 applicants in northern, southern, and central California, and in
4 urban, suburban, and rural areas of California.

5 (b) The department shall consider the following in selecting
6 schools to participate in the program established pursuant to this
7 article:

8 (1) Percentage of pupils eligible for free and reduced lunch.

9 (2) Other indicators of need for the program, including, but not
10 limited to, socioeconomic status of the neighborhoods in which
11 participating pupils reside, the percentage of English language
12 learners at the school, and the availability of programs in the
13 community in which participating pupils reside.

14 (c) The application shall certify all of the following:

15 (1) Inclusion of an educational element.

16 (2) Inclusion of an enrichment element. These opportunities
17 may include arts, career technical education, recreation, technology,
18 and other activities to support positive youth development.

19 (3) That the program will provide a safe physical and emotional
20 environment and opportunities for relationship building, and
21 promote active pupil engagement.

22 (4) Staff training and development will be provided.

23 (5) Integration with the regular schoolday and other extended
24 learning opportunities.

25 (6) Community collaboration, including, but not limited to,
26 demonstrated support of the schoolsite principal and staff.

27 ~~(7) Opportunities for physical activity that will include at least~~
28 ~~30 minutes of moderate to vigorous physical activity utilizing the~~
29 ~~California After School Physical Activity Guidelines commencing~~
30 ~~on January 1, 2013.~~

31 *(7) Opportunities for physical fitness that will include at least*
32 *30 minutes per day of moderate to vigorous physical activity, as*
33 *defined in the Physical Education Model Content Standards and*
34 *Physical Education Framework as adopted by the State Board of*
35 *Education, commencing by the start of the 2013–14 school year.*

36 (8) Inclusion of a nutritional snack.

37 (9) Fiscal accountability.

38 (10) Availability of required local matching funds.

39 (11) That the program will meet all of the evaluation
40 requirements.

(d) Subdivision (b) does not apply to an applicant school that meets the priority criteria described in subdivision (a) of Section 8482.5.

SEC. 4. Section 51210 of the Education Code is amended to read:

51210. The adopted course of study for grades 1 to 6, inclusive, shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

(a) English, including knowledge of, and appreciation for literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, and composition.

(b) Mathematics, including concepts, operational skills, and problem solving.

(c) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; contemporary issues; and the wise use of natural resources.

(d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and on the place of humans in ecological systems.

(e) Visual and performing arts, including instruction in the subjects of dance, music, theatre, and visual arts, aimed at the development of aesthetic appreciation and the skills of creative expression.

(f) Health, including instruction in the principles and practices of individual, family, and community health.

(g) Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period. ~~By January 1, 2013~~ *the start of the 2013–14 school year*, at least 50 percent of the time spent in physical education shall be spent in moderate to vigorous physical activity within the context

1 of the physical education content standards and framework as
2 adopted by the State Board of Education.

3 (h) Other studies that may be prescribed by the governing board.

4 SEC. 5. Section 51222 of the Education Code is amended to
5 read:

6 51222. (a) All pupils, except pupils excused or exempted
7 pursuant to Section 51241, shall be required to attend the courses
8 of physical education for a total period of time of not less than 400
9 minutes each 10 schooldays. ~~By January 1, 2013~~ *the start of the*
10 *2013–14 school year*, at least 50 percent of the time spent in
11 physical education shall be spent in moderate to vigorous physical
12 activity within the context of the physical education content
13 standards and framework as adopted by the State Board of
14 Education. Any pupil may be excused from physical education
15 classes during one of grades 10, 11, or 12 for not to exceed 24
16 clock hours in order to participate in automobile driver training.
17 A pupil who is excused from physical education classes to enroll
18 in driver training shall attend a minimum of 7,000 minutes of
19 physical education instruction during the school year.

20 (b) The governing board of each school district that maintains
21 a high school and that elects to exempt pupils from required
22 attendance in physical education courses pursuant to paragraph
23 (1) or (2) or both of subdivision (b) of Section 51241 shall offer
24 those pupils so exempted a variety of elective physical education
25 courses of not less than 400 minutes each 10 schooldays.

26 SEC. 6. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.